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Attorneys for Richard M. Kipperman, Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re) Case No. 99-33191-B7

SARA NEWSOME BURNS) EX PARTE APPLICATION BY
(SSN 354-56-0231),) TRUSTEE FOR AUTHORITY TO
) EMPLOY GENERAL COUNSEL

Debtor.)

TO THE HONORABLE LOUISE DECARL ADLER, UNITED STATES
BANKRUPTCY JUDGE:

The ex parte application of Richard Kipperman, the Chapter 7 trustee herein (the "trustee" or "applicant"), respectfully represents:

1. On or about October 16, 1999, the debtor herein filed with this Court her petition for relief pursuant to the provisions of Chapter 7 of Title 11, United States Bankruptcy Code.

2. On or about that same date, applicant was duly appointed, qualified and is the acting trustee of the above-named debtor.

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1 3. Applicant has contacted Gary B. Rudolph, Esq., of Sparber, Ferguson,
2 Ponder & Ryan, and has discussed its representation of applicant in this case, to be
3 effective as of December 17, 1999.

4 4. Applicant is familiar with the work and reputation of Sparber, Ferguson,
5 Ponder & Ryan and believes that Sparber, Ferguson, Ponder & Ryan is well qualified to
6 represent applicant as Trustee in this case.

7 5. Applicant believes that there are numerous problems relating to this
8 proceeding requiring the participation of competent counsel.

9 6. Applicant proposes to employ Sparber, Ferguson, Ponder & Ryan as general
10 counsel herein for purposes including, but not limited to the tasks identified below.

11 a. A dispute exists concerning the lien and claim of Bradley Proulx as
12 it relates to the Debtor and property of the estate. It is necessary for applicant to obtain
13 counsel to analyze the lien and claim of Bradley Proulx and if appropriate to pursue
14 appropriate action to set aside/avoid/challenge the lien and claim of Bradley Proulx.

15 b. In schedule B-20 the debtor lists potential malpractice claims. It is
16 necessary for applicant to retain counsel to analyze these malpractice claims and if
17 appropriate to pursue them.

18 7. Because Sparber, Ferguson, Ponder & Ryan specializes in bankruptcy,
19 corporate reorganization and debtor/creditor matters, and because of its experience in
20 those fields, applicant believes that Sparber, Ferguson, Ponder & Ryan is well qualified
21 to render the foregoing services.

22 8. For the foregoing and all other necessary and proper purposes, applicant
23 proposes to retain generally Sparber, Ferguson, Ponder & Ryan as his counsel on an
24 hourly basis pursuant to Bankruptcy Code Section 327 at its normal and customary hourly
25 rates. The current rates for personnel who may be providing services to the trustee are
26 listed below; however, these rates are subject to change from time to time.

27 / / /

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| | | |
|---|------------|---------------------|
| 1 | Partners | \$250.00 |
| 2 | Associates | \$160.00 - \$190.00 |
| 3 | Law Clerks | \$ 90.00 |
| 4 | Paralegals | \$ 90.00 |

5 9. The charges for facsimiles will be \$1.00 per page for outgoing facsimiles
6 and photocopies rendered on behalf of the trustee will be charged at \$.20 per page as set
7 forth by the Guidelines of the Office of the United States Trustee.

8 Further, applicant proposes that his counsel receive, if appropriate, interim
9 compensation under Bankruptcy Code Section 331. Applicant hereby waives the
10 provisions of Section 6148 of the California Business and Professions Code concerning
11 a written fee agreement, except to the extent provided in this application.

12 WHEREFORE, applicant prays that this Court enter its order approving the
13 employment by applicant of Sparber, Ferguson, Ponder & Ryan as his counsel to render
14 services in the areas described above, with compensation to be paid as an administrative
15 expense in such amounts as this Court may hereinafter determine and allow.

16 Respectfully submitted,



17 RICHARD M. KIPPERMAN, TRUSTEE

18 Dated: January 10, 2000

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1 **PROOF OF SERVICE**

2 I, the undersigned, certify and declare that I am a citizen of the United States, over
3 the age of 18 years and not a party to the within action. On January 13, 2000, I served
4 the following documents:

5 EX PARTE APPLICATION BY TRUSTEE FOR AUTHORITY TO
6 EMPLOY GENERAL COUNSEL

7 DECLARATION OF DISINTEREST OF ATTORNEYS

8 [Proposed] ORDER APPROVING EX PARTE APPLICATION BY
9 TRUSTEE FOR AUTHORITY TO EMPLOY GENERAL COUNSEL

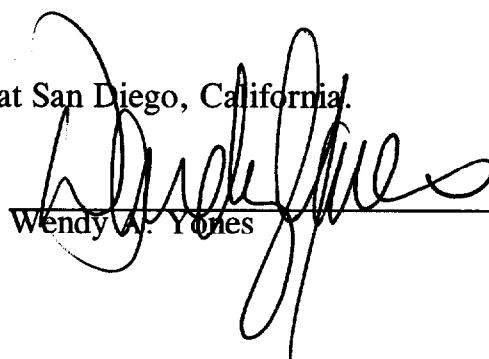
10 on the addressees listed below by placing a true copy thereof enclosed in a sealed
11 envelope, with postage thereon fully prepaid, in the United States mail at San Diego,
12 California, addressed as follows:

13 Office of the United States Trustee
14 Southern District of California
15 402 West Broadway, Suite 600
16 San Diego, CA 92101-5109

17 I hereby certify that I am employed in the office of a member of the Bar of the
18 Court at whose direction the service was made.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct.

21 Executed on January 13, 2000, at San Diego, California.

22 
23 Wendy A. Yones